THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 17644 of 2006

Date:30-03-2007

Between:

P.Prabhakar Reddy
PETITIONER

AND

The Superintendent of Police,Kadapa and another

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RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in withdrawing the armed gunman for his protection pursuant to the report of the 2nd respondent after 10.08.2006 as illegal and arbitrary.

2. It is stated that the petitioner is an active leader in Telugu Desam Party. The supporters of one B.Ramgopal Reddy of Telugu Desam Party leader of Kamballi village attempted on his life. Accordingly, a case in crime No.1/2000 was registered under Sections 147, 148, 324, 307 r/w 149 I.P.C. and Sections 3 and 5 of the Explosive Substances Act. Thereafter he joined Congress (I) ruling party in the year 2005 and became close with the son of the Hon'ble Chief Minister of the State. It is stated that on the report submitted by the second respondent on 23.07.2006, one gunman was provided to him up to 10.08.2006 and thereafter the said gunman was withdrawn without issuing any notice to the petitioner.

3. The Superintendent of Police, Kadapa-1st respondent filed a counter stating that the Sub-Divisional Police Officer, Jammalamadugu conducted an enquiry with regard to providing gunman to the petitioner and filed his report on 19.12.2006.

4. The said report goes to show that in fact, the petitioner has been figured as an accused in Crime No.28/1999 for the offences under Sections 147, 148, 324, r/w 149IPC, Crime No.73/2002 under Sections 143, 452, 323, 353 and 506 IPC of Simhadripuram Police Station and also Crime No.66/99 under Section 136(1)© of Representation of Peoples Act, 1962 of Thondur Police Station and out of these three cases, Crime No.73 of 2002 was ended in conviction sentencing the petitioner to undergo simple imprisonment for two years and to pay fine of Rs.3,500/- and the other two cases were ended in acquittal.

5. It is further stated that the petitioner is the supporter of Y.S.Jagan Mohan Reddy who is the son of the Hon'ble Chief Minister.

The petitioner is away from his native village for longer time and moving in Bangalore and Hyderabad on his contract works and his stay in native village is too little to expect any threat to his life either by his villagers or his alleged opponents whom he say that they were TDP followers of Kamballi village. It is stated that at present there is no faction existing in Himakunta village to which the petitioner belongs and as the petitioner himself belonged to Telugu Desam Party earlier has been shifted to Congress-I party, there is no opposition at all in the village and therefore, in the present situation there is no need for providing any gunman to the petitioner for any reason.

In view of the above, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:30.03.2007
CCM